



Town of Arlington, Massachusetts
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Selectmen's Minutes 01/10/2005

TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes

Monday, January 10, 2005

7:15 p.m.

Present: Mrs. Mahon, Chair, Mr. Hurd, Co-Chair, Mr. Lyons, Mr. Greeley, and Mrs. Dias.
 Also present: Mr. Sullivan, Mr. Maher, and Mrs. Sullivan.

FOR APPROVAL

Minutes of Meeting: November 22, 2004, December 6, 2004, December 13, 2004,
 December 20, 2004

Mr. Greeley moved approval.

SO VOTED (5-0)

2. Keyspan Petition: MN#144-8502-400437

To install and maintain approximately 320 feet, more or less of 6 inch gas main to George Street, from existing 6 inch gas main in Florence Ave. @ George St., north to the Dallin Elementary School
 (all abutters notified)

Mr. Greeley moved approval subject to conditions set forth.

SO VOTED (5-0)

3. Verizon Petition: Plan D04-93

Florence Ave., from existing pole number 828/8A on the northerly side of Florence, place one pole anchor and hip guy in the sidewalk, at a distance that is 5 feet (+) north of said pole
 (all abutters notified)

Mr. Greeley moved approval subject to conditions set forth.

SO VOTED (5-0)

4. Verizon Petition: Plan D04-94

George St., starting at existing pole number 77-18 on the northeasterly side of George, place conduit in a northeasterly direction, a distance of 8 feet (\pm) into new Cyrus Dallin School
 (all abutters notified)

Mr. Hurd moved approval subject to conditions set forth.

SO VOTED (5-0)

7:30 p.m.

5. Public Hearing: Board of Survey

Colonial Circle

Attorney Robert Scarano, representing Mr. Mackey, requested the Board of Survey

approve the street known as Colonial Circle on Lowell Street. Colonial Circle has a plan to develop a cul de sac with five house lots, including preserving the on-site historic structure.

Stephen Makowka, chairman of the Arlington Historic District Commission, stated that the Commission is unaware of the current building plan. He further reported that a year ago the Commission denied Mr. Mackey's plan for the land and which Mr. MacKey turned around and sued the Town of Arlington. Both the Commission and Mr. MacKey will be

meeting January 27, 2005 to discuss the project.

There was discussion by the Selectmen concerning pending legal issues and John Maher's recommendation that he and Attorney Scarano should speak concerning the project's status. After this discussion and resolution with the Historic District Commission, the request will come back to the Board of Selectmen for Board of Survey approval.

Mr. Lyons moved to table.

SO VOTED (5-0)

APPOINTMENTS & REAPPOINTMENTS

6. **Appointment: Council on Aging**

Paul A. West

(term to expire 1/3/08)

Mr. Hurd moved approval.

SO VOTED (5-0)

7. **Appointment: Human Rights Commission**

Victoria C. Cohen

(term to expire 1/3/08)

Mr. Greeley moved approval.

SO VOTED (5-0)

8. **Appointment: Commission on Disabilities**

Susan L. James

(1-10-08)

Mr. Hurd moved approval.

SO VOTED (5-0)

9. **Reappointment: Constable**

Richard T. Boyle

(term to expire 1/2/08)

Mrs. Dias moved approval.

SO VOTED (5-0)

LICENSES & PERMITS

10. **License Renewals**

Contractor/Drain Layer

Mr. Lyons moved approval as approved by the Engineering Division.

SO VOTED (5-0)

11. **Request: Food Vendor License**

Himaliyan Enterprise LLC, Ashim Joshi, President, Everest Mini Mart, 471 Summer St.

Mr. Lyons moved approval subject to conditions set forth.

SO VOTED (5-0)

12. **Request: Common Victualler License**

Alepede Inc., Steve Alepede, President, d/b/a Dunkin Donuts, 369 Mass. Ave.

Mr. Hurd moved approval subject to conditions set forth.

SO VOTED (5-0)

13. **Request: Change of Manager**

Bruce Jangro, Not Your Average Joe's, 645 Mass. Ave.

Mr. Lyons moved approval.

SO VOTED (5-0)

14. **Request: Use of Minuteman Bikeway, 7/8/05**

Michael Maher, 2005 Boston Breast Cancer 3-Day

Mr. Hurd moved approval subject to conditions set forth by the Police Department and Town Manager.

SO VOTED (5-0)

15. **Request: Residential Handicap Parking**

Irene Lucreziano, 59 Magnolia St.

Mr. Lyons moved approval subject to conditions set forth.

SO VOTED (5-0)

16. Request: Residential Handicap Parking

Mary Stuart, mother of Caroline Stuart, 25 Highland Ave.

Mr. Lyons moved approval subject to conditions set forth.

SO VOTED (5-0)

17. CITIZENS OPEN FORUM

No matters were presented for consideration of the Board.

TRAFFIC RULES & ORDERS/OTHER BUSINESS

18. Discussion: On Street Overnight Parking, 37 Brantwood Rd.

Harry Lipson & Beverly Ketchen

(from 10/4/04 meeting)

Mr. Lyons moved to grant approval for two more months due to the health issues of Mr. Lipson. He would like Mr. Lipson to send into the Selectmen's Office plans regarding the research of a driveway/garage during these 2 months.

SO VOTED (5-0)

19. Discussion: On Street Overnight Parking, 1273-1275 Mass. Ave.

Stephen Bosco

Mr. Lyons moved to deny.

SO VOTED (5-0)

Mr. Hurd stated that the Police have requested the Avenue stay clear of cars parked overnight.

20. Discussion: Walgreen's 6-Month Trial Period for Extended Hours

David Onanian, Manager, 1425 Mass. Ave.

Mr. Lyons moved approval for extended hours for a 1 year period.

SO VOTED (5-0)

Mr. Onanian asked how to proceed with changing hours to be open for 24 hours a day.

The Selectmen referred him to speak with Town Counsel regarding this change.

21. Discussion: Memorializing the Late Barry T. O'Shaughnessy

Mr. Lyons moved approval.

SO VOTED (5-0)

Mr. James O'Shaughnessy thanked the Board for the approval and explained how important the Bike Path was to his father and how grateful the family is to have a memorial bench along the path.

22. Discussion: Friends of Arlington's Great Meadows Activities

David White

Mr. White passed out a hand out about Arlington's Great Meadows, general activities offered by the Friends of Arlington's Great Meadows, and coming events. The website is: www.FoAGM.org. The Selectmen thanked Mr. White and The Friends of Great Meadows for all their great work.

Mr. Lyons moved receipt of report.

SO VOTED (5-0)

23. Discussion: Symmes Land Restriction

John F. Maher, Town Counsel

Mr. Maher requested the Board sign the recording document, The Release of Restrictions on Symmes Land.

Mr. Hurd moved approval.

SO VOTED (5-0)

24. Request: Payment of Bills

Cyrus E. Dallin Art Museum

Mr. Greeley moved approval.

SO VOTED (5-0)

Correspondence Received

John F. Maher Redevelopment of Symmes Hospital Site Be Rec'd
Town Counsel

John F. Maher Warrant Articles Be Rec'd
Town Counsel

John F. Maher Warrant Article-Elderly Tax Exemption Be Rec'd
Town Counsel

John F. Maher Proposed Warrant Article/Board of Survey Be Rec'd
Town Counsel

John F. Maher RCN connection to service Be Rec'd
Town Counsel

Ruth Lewis Real Estate Classification Be Rec'd
Comptroller &
Coordinator of
Information Systems

Mr. Hurd moved receipt of correspondence.

SO VOTED (5-0)

NEW BUSINESS

Mr. Lyons requested that the Board look at expanding the elderly tax exemptions in Arlington (using a tier tax system). Mr. Lyons suggests doubling exemptions for elders who qualify by income from future big increases. This would allow Town Meeting the ability to file Home Rule Petition to protect the senior population.

Mr. Lyons made a motion that the Manager of Software Development and others make changes for a dual tax rate for next year, in case the Board wants to implement it for next tax year. He also suggested that the cost be added to the Town Manager's budget during this budget cycle.

SO VOTED (5-0)

Mr. Lyons after some discussion on the increase of auto mileage reimbursement referred the matter of investigating the policy and process to Mr. Sullivan and Mr. Maher. Before implementation, Mr. Lyons asked that the Town Manager report back to the Board.

Mr. Lyons reported that he contacted other Town Superintendents to build a coalition to go before the legislature to present the case on how the state cuts affect Towns. In Arlington's case it suffers triple the cuts from the state aid plus there is not a lot of growth, basically the Town is land locked. He states Arlington cannot tax its way out of the state aid reductions. Arlington has the highest revenue balance compared to other Towns but still has less than the state average.

Mr. Lyons suggested to Mr. Sullivan that he take a more conservative approach to spending during this budget process, along with the Fiscal Task Force and School Committee. Mr. Lyons would then consider raising taxes without greatly effecting seniors.

Mr. Sullivan reported that state aid would be up 4% next year, yet the Town still has a fairly significant budget deficit. There will be a Revenue Tax Force Budget Meeting on January 24, 2005.

Mr. Hurd reported that there was a meeting regarding St. Jerome's property. Everyone agreed there is concern about the future property use and that they would like single-family homes built if the church can't be used as a church.

Mr. Lyons responded that he was pleased with the Advocate article on Mr. Belksis concerning 40B compliance. Mr. Lyons would like the support of the Planning Department regarding enforcing 40B on these church properties in Arlington. He does not want the church to market these properties incorrectly and would like the Real Estate Agents to know the position Arlington is taking regarding the sale of these properties and want the sales to conform to the neighborhoods. Mr. Lyons is convinced that 40B can be enforced on these church properties and stresses a need for there to be a united front in order to send a loud and clear message.

Mrs. Dias made a motion that the Town Manager, Town Counsel, and the Planning Department write and send a letter conveying the message.
SO VOTED (5-0)

Mrs. Mahon announced there would be a Snow & Ice Meeting on January 20th.

Mrs. Mahon thanked Chief Ryan for the Police Ceremony Night this evening and commented on how well it went.

Mrs. Worden reported to the Board on a draft warrant article regarding exploitive road development and that Arlington is one of a few communities that has not developed subdivision control since the 1897 Board of Survey Act. She requested that the Board inserts this article and to not make policy based on legal arguments but make it on what's right and wrong.

Mr. Lyons responded that he was uncomfortable with the Board submitting this article and it would be better that it be submitted via 10 registered voters.

Mrs. Mahon asked Mr. Maher to make changes concerning the notification and draft these changes to the article.

Mr. Greeley moved to go in to Executive Session.
SO VOTED (5-0)

Mr. Maher made a motion to go into Executive Session to consider matters related to the value of Town property the discussion of which in open session would have a detrimental effect on the Town's negotiating position with regard to disposal of that property and will convene in open session only for the purpose of adjourning.

A roll call was taken of all Selectmen.
SO VOTED (5-0)

Meeting adjourned at 9:15pm.

A True Record: Attest:

Marie A. Krepelka
Board Administrator